



General Assembly

January Session, 2001

Amendment

LCO No. 6761

Offered by:

REP. MILLER, 122nd Dist.
REP. WARD, 86th Dist.
SEN. SMITH, 14th Dist.
SEN. GUNTHER, 21st Dist.
REP. HARKINS, 120th Dist.
REP. ROWE, 123rd Dist.
REP. STONE, 134th Dist.
REP. KLARIDES, 114th Dist.
REP. SHEA, 112th Dist.
REP. COLLINS, 117th Dist.
REP. FERRARI, 62nd Dist.
REP. BOUCHER, 143rd Dist.

REP. HEAGNEY, 16th Dist.
REP. SAN ANGELO, 131st Dist.
REP. POWERS, 151st Dist.
REP. O'NEILL, 69th Dist.
REP. ROY, 119th Dist.
REP. BACKER, 121st Dist.
REP. FLAHERTY, 68th Dist.
REP. WASSERMAN, 106th Dist.
REP. BELDEN, 113th Dist.
REP. TONUCCI, 104th Dist.
REP. AMANN, 118th Dist.
REP. FLOREN, 149th Dist.

To: Subst. Senate Bill No. 1015

File No. 238

Cal. No. 510

**"AN ACT CONCERNING THE DISPOSITION OF PROPERTIES IN
DEFAULT."**

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- 1 After line 100, insert the following:
- 2 "Sec. 2. Subsection (l) of section 8-30g of the general statutes is
- 3 repealed and the following is substituted in lieu thereof:
- 4 (l) (1) Notwithstanding the provisions of subsections (a) to (j),
- 5 inclusive, of this section, the affordable housing appeals procedure
- 6 established under this section shall not be applicable to an affordable

7 housing application filed with a commission during a moratorium,
8 which shall be the three-year period after (A) a certification of
9 affordable housing project completion issued by the commissioner is
10 published in the Connecticut Law Journal, or (B) after notice of a
11 provisional approval is published pursuant to subdivision (4) of this
12 subsection.

13 (2) Notwithstanding the provisions of this subsection, such
14 moratorium shall not apply to (A) affordable housing applications for
15 assisted housing in which ninety-five per cent of the dwelling units are
16 restricted to persons and families whose income is less than or equal to
17 sixty per cent of median income, (B) other affordable housing
18 applications for assisted housing containing forty or fewer dwelling
19 units, or (C) affordable housing applications which were filed with a
20 commission pursuant to this section prior to the date upon which the
21 moratorium takes effect.

22 (3) Eligible units completed after a moratorium has begun may be
23 counted toward establishing eligibility for a subsequent moratorium.

24 (4) (A) The commissioner shall issue a certificate of affordable
25 housing project completion for the purposes of this subsection upon
26 finding that there has been completed within the municipality one or
27 more affordable housing developments which create housing unit-
28 equivalent points equal to the greater of two per cent of all dwelling
29 units in the municipality, as reported in the most recent United States
30 decennial census, or seventy-five housing unit-equivalent points.

31 (B) A municipality may apply for a certificate of affordable housing
32 project completion pursuant to this subsection by applying in writing
33 to the commissioner, and including documentation showing that the
34 municipality has accumulated the required number of points within
35 the applicable time period. Such documentation shall include the
36 location of each dwelling unit being counted, the number of points
37 each dwelling unit has been assigned, and the reason, pursuant to this
38 subsection, for assigning such points to such dwelling unit. Upon

39 receipt of such application, the commissioner shall promptly cause a
40 notice of the filing of the application to be published in the Connecticut
41 Law Journal, stating that public comment on such application shall be
42 accepted by the commissioner for a period of thirty days after the
43 publication of such notice. Not later than ninety days after the receipt
44 of such application, the commissioner shall either approve or reject
45 such application. Such approval or rejection shall be accompanied by a
46 written statement of the reasons for approval or rejection, pursuant to
47 the provisions of this subsection. If the application is approved, the
48 commissioner shall promptly cause a certificate of affordable housing
49 project completion to be published in the Connecticut Law Journal. If
50 the commissioner fails to either approve or reject the application
51 within such ninety-day period, such application shall be deemed
52 provisionally approved, and the municipality may cause notice of such
53 provisional approval to be published in a conspicuous manner in a
54 daily newspaper having general circulation in the municipality, in
55 which case, such moratorium shall take effect upon such publication.
56 The municipality shall send a copy of such notice to the commissioner.
57 Such provisional approval shall remain in effect unless the
58 commissioner subsequently acts upon and rejects the application, in
59 which case the moratorium shall terminate upon notice to the
60 municipality by the commissioner.

61 (5) For purposes of this subsection, "elderly units" are dwelling units
62 whose occupancy is restricted by age and "family units" are dwelling
63 units whose occupancy is not restricted by age.

64 (6) For purposes of this subsection, housing unit-equivalent points
65 shall be determined by the commissioner as follows: (A) No points
66 shall be awarded for a unit unless its occupancy is restricted to persons
67 and families whose income is equal to or less than eighty per cent of
68 median income, except that unrestricted units in a set-aside
69 development shall be awarded one-fourth point each. (B) Family units
70 restricted to persons and families whose income is equal to or less than
71 eighty per cent of median income shall be awarded one point if an
72 ownership unit and one and one-half points if a rental unit. (C) Family

73 units restricted to persons and families whose income is equal to or
74 less than sixty per cent of median income shall be awarded one and
75 one-half points if an ownership unit and two points if a rental unit. (D)
76 Family units restricted to persons and families whose income is equal
77 to or less than forty per cent of median income shall be awarded two
78 points if an ownership unit and two and one-half points if a rental
79 unit. (E) Elderly units restricted to persons and families whose income
80 is equal to or less than eighty per cent of median income shall be
81 awarded one-half point. (F) A set-aside development containing family
82 units which are rental units shall be awarded additional points equal
83 to twenty-two per cent of the total points awarded to such
84 development, provided the application for such development was filed
85 with the commission prior to July 6, 1995. (G) Each unit in an
86 affordable housing development that has a property line within two
87 hundred fifty feet of an interstate highway or a limited access state
88 highway, shall be awarded one-half point.

89 (7) Points shall be awarded only for dwelling units which were (A)
90 newly-constructed units in an affordable housing development, as that
91 term was defined at the time of the affordable housing application, for
92 which a certificate of occupancy was issued after July 1, 1990, or (B)
93 newly subjected after July 1, 1990, to deeds containing covenants or
94 restrictions which require that, for at least the duration required by
95 subsection (a) of this section for set-aside developments on the date
96 when such covenants or restrictions took effect, such dwelling units
97 shall be sold or rented at, or below, prices which will preserve the
98 units as affordable housing for persons or families whose income does
99 not exceed eighty per cent of median income.

100 (8) Points shall be subtracted, applying the formula in subdivision
101 (6) of this subsection, for any affordable dwelling unit which, on or
102 after July 1, 1990, was affected by any action taken by a municipality
103 which caused such dwelling unit to cease being counted as an
104 affordable dwelling unit.

105 (9) A newly-constructed unit shall be counted toward a moratorium

106 when it receives a certificate of occupancy. A newly-restricted unit
107 shall be counted toward a moratorium when its deed restriction takes
108 effect.

109 (10) The affordable housing appeals procedure shall be applicable to
110 affordable housing applications filed with a commission after a three-
111 year moratorium expires, except (A) as otherwise provided in
112 subsection (k) of this section, or (B) when sufficient unit-equivalent
113 points have been created within the municipality during one
114 moratorium to qualify for a subsequent moratorium.

115 (11) The commissioner shall, within available appropriations, adopt
116 regulations in accordance with chapter 54 to carry out the purposes of
117 this subsection. Such regulations shall specify the procedure to be
118 followed by a municipality to obtain a moratorium, and shall include
119 the manner in which a municipality is to document the units to be
120 counted toward a moratorium. A municipality may apply for a
121 moratorium in accordance with the provisions of this subsection prior
122 to, as well as after, such regulations are adopted."

123 In line 101, strike "Sec. 2." and insert in lieu thereof "Sec. 3."

124 In line 101, after "passage" insert ", except that section 2 shall take
125 effect October 1, 2001"